



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

MKP/TH  
F. #2017R01840

*271 Cadman Plaza East  
Brooklyn, New York 11201*

August 3, 2018

By Email and FedEx

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New York, NY 10017

Re: United States v. Keith Raniere, et al.  
Criminal Docket No. 18-204 (NGG) (S-1)

Dear Counsel:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government hereby furnishes the following discovery in the above-captioned case, which is Bates-numbered NXIVM00000001 – NXIVM00009177 and VDM\_NXIVM00000001 – VDM\_NXIVM00004162. This discovery is being provided to you pursuant to the protective order you signed on July 30, 2018 and entered by the Court on August 1, 2018. Where practical, documents have been watermarked “SUBJECT TO PROTECTIVE ORDER” but all materials being produced are subject to the protective order, regardless of the watermark.

Certain materials, as set forth in the chart below, are designated as “Victim Discovery Material,” and where applicable, “Highly Sensitive Material.” Some categories of documents have been designated as “Victim Discovery Material” (“VDM”) or “Highly Sensitive Material” (“HS”) because the process of individually designating the items (for example, individual emails) would have led to a significant delay in production. Consistent with the protective order, the government is open to discussing the designations with defense counsel.

The government will continue to provide discovery on a rolling basis.

I. The Government's Discovery

A. The Defendant's Criminal History

At this time, the government is not aware of any criminal history, youthful offender or juvenile offender adjudications of the defendant.

B. Documents and Tangible Objects

Enclosed please find 8 encrypted discs containing copies of the following documents:

<b>BATES RANGE</b>	<b>DESCRIPTION</b>	<b>DESIGNATION</b>
NXIVM00000001- NXIVM00000027	Nxivm newsletters	Subject to Protective Order
NXIVM00000028- NXIVM00000095	Nxivm websites	Subject to Protective Order
NXIVM00000096- NXIVM00000103	NXIVM University documents	Subject to Protective Order
NXIVM00000104- NXIVM00000110	Confidentiality agreement	Subject to Protective Order
NXIVM00000111- NXIVM00000116	ESP Rules and Rituals	Subject to Protective Order
NXIVM000000117	Letter for signature campaign	Subject to Protective Order
NXIVM00000118- NXIVM00000167	Pamela Cafritz will and estate proceedings	Subject to Protective Order
NXIVM00000168- NXIVM00000289	SOP Complete materials	Subject to Protective Order
NXIVM00000290- NXIVM00000613	Keith Raniere articles and survey	Subject to Protective Order
NXIVM00000614- NXIVM00000615	SOP-PAH audio and video	Subject to Protective Order
NXIVM00000616- NXIVM00000704	SOP materials	Subject to Protective Order
NVIVM00000705- NXIVM000001009	ETHOS - Intensives	Subject to Protective Order
NXIVM000001010- NXIVM000001012	SOP compensation plan	Subject to Protective Order

BATES RANGE	DESCRIPTION	DESIGNATION
NXIVM00001013	NYT Recordings	Subject to Protective Order
NXIVM00001014	Recording of Keith Raniere on or about April 18, 2017	Subject to Protective Order
NXIVM00001015	Recording of Keith Raniere on or about May 7, 2017	Subject to Protective Order
NXIVM00001016	Recording of N. Salzman on or about November 6, 2016	Subject to Protective Order
NXIVM00001017	Recording of N. Salzman on or about November 8, 2016	Subject to Protective Order
NXIVM00001018- NXIVM00001560	NXIVM Intensive Facilitator Notes and Ethos Facilitator Notes	Subject to Protective Order
NXIVM00001561-NXIVM00001600	NXIVM video files	Subject to Protective Order
NXIVM00001601-NXIVM00002012	Photographs of the execution of a search warrant at 3 Oregon Trail	Subject to Protective Order
NXIVM00002013- NXIVM00002071	Search warrant application for 3 Oregon Trail	Subject to Protective Order
NXIVM00002072- NXIVM00002168	Photographs of the execution of a search warrant at 8 Hale Drive	Subject to Protective Order
NXIVM00002169- NXIVM00002230	Search warrant application for 8 Hale Drive	Subject to Protective Order
NXIVM00002231-8698	Filings related to <u>NXIVM Corp., et al v. Ross Institute, et al.</u> , 06 CV 1051 (D.N.J.)	Subject to Protective Order
NXIVM00008699-9174	Books co-authored by Keith Raniere	Subject to Protective Order
NXIVM00009175- NXIVM00009177	Security footage	Subject to Protective Order
VDM_NXIVM00000001- VDM_NXIVM00000009	Email re: Cafritz memorial	VDM



BATES RANGE	DESCRIPTION	DESIGNATION
VDM_NXIVM00000010- VDM_NXIVM00000013	Dropbox screenshots	VDM
VDM_NXIVM00000014- VDM_NXIVM00002581	SMS messages	VDM/HS
VDM_NXIVM00002582- VDM_NXIVM00002598	Letters	VDM
VDM_NXIVM00002599- VDM_NXIVM00002810	Jane Doe 8 calendar and journal	VDM/HS
VDM_NXIVM00002811- VDM_NXIVM00002815	Collateral	VDM/HS
VDM_NXIVM00002816	KAR emails	VDM/HS
VDM_NXIVM00002817	KAR emails (subset of Yahoo search warrant) <sup>1</sup>	VDM/HS
VDM_NXIVM00002818	Video/Audio re: DOS	VDM
VDM_NXIVM00002819- VDM_NXIVM00003048	Records from [REDACTED]	VDM
VDM_NXIVM00003049- VDM_NXIVM00004162	Notes	VDM

In addition, the government is in possession of the following devices and sources of electronic evidence, among others:

- Information associated with an iCloud account belonging to Lauren Salzman;
- Information associated with an iCloud account belonging to Allison Mack;
- A Samsung Galaxy cellular phone belonging to Allison Mack;
- Information associated with a Dropbox account belonging to Allison Mack;

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<sup>1</sup> VDM\_NXIVM00002817 is a subset of emails received pursuant to a search warrant executed on the account keithraniere@yahoo.com. Our search of this account for responsive materials is ongoing and we will continue to supplement our discovery production with additional materials that have been deemed responsive.

- Information associated with 
- Information associated with 
- Electronic devices obtained through the execution of a search warrant at 3 Oregon Trail, Halfmoon, New York; and
- Electronic devices obtained through the execution of a search warrant executed at 8 Hale Drive, Halfmoon, New York.

Please note that in an effort to produce discovery expeditiously, full discovery copies of these materials will be produced to all defendants in the coming weeks or as soon as practicable.<sup>2</sup> You may also examine the physical evidence discoverable under Rule 16, including any original documents, by contacting the government to arrange a mutually convenient time.

C. Reports of Examinations and Tests

The government will provide you with copies of any additional reports of examinations or tests in this case as they become available.

D. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, 703 and 705 and notify you in a timely fashion of any expert that the government intends to call at trial and provide you with a summary of the expert's opinion.

The identity, qualifications, and bases for the conclusions of each expert will be provided to you when they become available.

E. Brady Material

The government understands and will comply with its continuing obligation to produce exculpatory material as defined by Brady v. Maryland, 373 U.S. 83 (1963), and its progeny.

Before trial, the government will furnish materials discoverable pursuant to Title 18, United States Code, Section 3500, as well as impeachment materials. See Giglio v. United States, 405 U.S. 150 (1972).

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<sup>2</sup> To the extent your client objects to such disclosure, please inform the government as soon as possible and no later than August 8, 2018. Please be advised that any objections may delay the production of discovery.

F. Other Crimes, Wrongs or Acts

The government will provide the defendant with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

II. The Defendant's Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, data, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely upon at trial, or that were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government requests that the defendant have copies of those statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony that the defendant intends to use as evidence at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for the opinions, and the qualification of the witnesses.

Pursuant to Fed. R. Crim. P. 12.3, the government hereby demands written notice of the defendant's intention, if any, to claim a defense of actual or believed exercise of public authority, and also demands the names and addresses of the witnesses upon whom the defendant intends to rely in establishing the defense identified in any such notice.

IV. Future Discussions

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact us.

Please be advised that, pursuant to the policy of the Office concerning plea offers and negotiations, no plea offer is effective unless and until made in writing and signed by authorized representatives of the Office. In particular, any discussion regarding the pretrial disposition of a matter that is not reduced to writing and signed by authorized representatives of the Office cannot and does not constitute a “formal offer” or a “plea offer,” as those terms are used in Lafler v. Cooper, 132 S. Ct. 1376 (2012), and Missouri v. Frye, 132 S. Ct. 1399 (2012).

Very truly yours,

RICHARD P. DONOGHUE  
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Enclosures